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13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

15 CLRB HANSON INDUSTRIES, LLC d/b/a  
16 INDUSTRIAL PRINTING, and HOWARD  
17 STERN, on behalf of themselves and all others  
18 similarly situated,

19 Plaintiffs,

20 v.

21 GOOGLE, INC.,

22 Defendant.

CASE NO. C O5-03649 JW

**GOOGLE INC.'S NOTICE OF  
ADMINISTRATIVE MOTION AND  
MOTION FOR LEAVE TO FILE  
DOCUMENTS UNDER SEAL IN  
CONNECTION WITH GOOGLE INC.'S  
REPLY TO PLAINTIFFS'  
SUPPLEMENTAL OPPOSITION TO  
GOOGLE INC.'S MOTION FOR  
SUMMARY JUDGMENT**

Date: June 11, 2007  
Time: 9:00 a.m.  
Dept.: Courtroom 8  
Judge: Honorable James Ware

**NOTICE OF MOTION AND MOTION**

TO PLAINTIFFS CLRB HANSON INDUSTRIES, LLC, d/b/a INDUSTRIAL  
PRINTING, and HOWARD STERN, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on June 11, 2007, at 9:00 a.m., or at such later date and time as the Court may order, in Courtroom 8 of the United States District Court for the Northern District of California, San Jose Division, defendant Google Inc. (“Google”) will move for an order sealing the following documents filed in connection with Google’s Reply to Plaintiffs’ Supplemental Opposition to Google’s Motion for Summary Judgment:

- 1. GOOGLE INC.'S REPLY TO PLAINTIFFS' SUPPLEMENTAL OPPOSITION TO GOOGLE INC.'S MOTION FOR SUMMARY JUDGMENT;**
- 2. EXHIBITS A – C OF THE SUPPLEMENTAL DECLARATION OF M. CHRISTOPHER JHANG IN SUPPORT OF GOOGLE INC.'S REPLY TO PLAINTIFFS' SUPPLEMENTAL OPPOSITION TO GOOGLE INC.'S MOTION FOR SUMMARY JUDGMENT.**

Dated: May 25, 2007

**PERKINS COIE LLP**

By: /S/  
M. Christopher Jhang  
Attorneys for Defendant Google Inc.

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **I. INTRODUCTION**

Pursuant to Federal Rule of Civil Procedure 26(c) and Civil Local Rules 7-11 and 79-5, defendant Google Inc. (“Google”) makes this Miscellaneous Administrative Request for an Order allowing Google to file under seal documents filed in connection with Google’s Reply to Plaintiffs’ Supplemental Opposition to Google’s Motion for Summary Judgment.

Specifically, Google requests that the Court file the following documents under seal:

1. **GOOGLE INC.’S REPLY TO PLAINTIFFS’ SUPPLEMENTAL OPPOSITION TO GOOGLE INC.’S MOTION FOR SUMMARY JUDGMENT;**
2. **EXHIBITS A-C OF THE SUPPLEMENTAL DECLARATION OF M. CHRISTOPHER JHANG IN SUPPORT OF GOOGLE INC.’S REPLY TO PLAINTIFFS’ SUPPLEMENTAL OPPOSITION TO GOOGLE INC.’S MOTION FOR SUMMARY JUDGMENT.**

Good cause exists justifying the filing of the above pleadings and exhibits under seal because these pleading and exhibits contain, discuss, or refer to Google’s trade secret and confidential, competitive, and business information. Accordingly, Google could be irreparably harmed if such trade secret and confidential information is made available to the public.

### **II. ARGUMENT**

#### **A. Good Cause Exists to Protect Google’s Trade Secret and Confidential Business and Competitive Information.**

Upon a showing of good cause, a court may make any order that justice requires to protect a party, including an order “that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a designated way.” Fed. R. Civ. P. 26(c)(7). In particular, a court may order that court documents be filed under seal where such good cause is shown to override the public’s right to access. *See San Jose Mercury News, Inc. v. U.S. Dist. Ct.*, 187 F.3d 1096, 1103 (9<sup>th</sup> Cir. 1999). The factors relevant to a determination of whether the presumption of access is overcome include “the public interest in understanding the judicial process and whether disclosure of the material could result in

